

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION

DCTN: U12004231

COMPLAINT

Lockup No: 14

Case No: _____

District of Columbia ss:

Defendant's Name: Gary Niles Montgomery 368226 12016506
 (First) (MI) (Last) (PDID) (CCNO)

Also Known As: _____
 (First) (Middle) (Last)

Address: 44th Street, N.E., Washington DC

Gary Niles Montgomery, within the District of Columbia, while armed with a knife, and with the intent to kill another and to inflict serious bodily injury on another and with a conscious disregard of an extreme risk of death or serious bodily injury to another, caused the death of JaParker Jones by stabbing him with a knife on or about February 2, 2012, thereby causing injuries from which JaParker Jones died on or about February 3, 2012. (Second Degree Murder While Armed, in violation of 22 D.C. Code, Sections 2103, 4502 (2001 ed.))

Co-Defendants:

B.P. Wise
 Affiant's Name

Subscribed and sworn to before me this 10 day of February, 2012

R. Wente
 (Judge) (Deputy Clerk)

WARRANT

To The United States Marshal or any other authorized federal officer or the Chief of Police of the District of Columbia:

WHEREAS the foregoing complaint and affidavit supporting the allegations thereof have been submitted, and there appearing probable cause and reasonable grounds for the issuance of an arrest warrant for GARY NILES MONTGOMERY

YOU ARE THEREFORE COMMANDED TO BRING THE DEFENDANT BEFORE SAID COURT OR OTHER PERSON ENUMERATED IN 18 U.S.C. 3041 forthwith to answer said charge.

Issued Feb. 10, 2012 R. Wente
 Judge - Superior Court of the District of Columbia

Title 16: ☐ Rule 105: ☐ Judge: _____

Sex: Male	DOB: 12/16/1956	CCN: 12016506	PDID: 368226
Papering Officer: Detective Brian Wise			Badge No.: D21513

OFFICER MUST EXECUTE RETURN

Officer's Name: <u>B.P. Wise</u>	Date / Time: February 10, 2012 <u>2/11/2012 10:00AM</u>
AUSA Signature: <u>[Signature]</u>	Fel. I <input checked="" type="checkbox"/> AFTC <input type="checkbox"/> Fel. II <input type="checkbox"/> Fel. III <input type="checkbox"/>

Superior Court of the District of Columbia
CRIMINAL DIVISION

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

USW NO.:

DEFENDANT'S NAME: Gary Niles Montgomery				NICKNAME: Sly, Snake		ALIASES:		CCN: 12-016-506		PDID: 368226		
SEX: M	RACE: Black	DOB: 12/16/1956	HGT: 5'10	WGT: 140	EYES: Brown	HAIR: Black	COMPL: Medium	SCARS, MARKS, TATTOOS				
DEFENDANT'S HOME ADDRESS: Vacant home - 44 th Street, NE, Washington, DC							TELEPHONE NUMBER: Unknown					
DEFENDANT'S BUSINESS ADDRESS: Unknown							TELEPHONE NUMBER:					
COMPLAINANTS' NAME: Jones, JaParker							TELEPHONE NUMBER: None					
LOCATION OF OFFENSE: 4900 block of East Capitol Street, NE, Washington, DC							DATE OF OFFENSE: February 2 nd , 2012		TIME OF OFFENSE: 8:13pm			
CAUTION AND MEDICAL CONDITIONS (CMC) Select a valid CMC code below for wanted person when using the caution indicator.												
<table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top;"><input type="checkbox"/> x_00 = Armed and Dangerous <input checked="" type="checkbox"/> x_05 = Violent Tendencies <input type="checkbox"/> 10 = Martial Arts Expert <input type="checkbox"/> 15 = Explosive Expertise <input type="checkbox"/> 20 = Known to abuse drugs <input type="checkbox"/> 25 = Escape Risk <input type="checkbox"/> 30 = Sexually Violent Predator <input type="checkbox"/> 50 = Heart Condition</td><td style="width: 50%; vertical-align: top;"><input type="checkbox"/> 55 = Alcoholic <input type="checkbox"/> 60 = Allergies <input type="checkbox"/> 65 = Epilepsy <input type="checkbox"/> 70 = Suicidal <input type="checkbox"/> 80 = Medication Required <input type="checkbox"/> 85 = Hemophiliac <input type="checkbox"/> 90 = Diabetic <input type="checkbox"/> 01 = Other</td></tr></table>											<input type="checkbox"/> x_00 = Armed and Dangerous <input checked="" type="checkbox"/> x_05 = Violent Tendencies <input type="checkbox"/> 10 = Martial Arts Expert <input type="checkbox"/> 15 = Explosive Expertise <input type="checkbox"/> 20 = Known to abuse drugs <input type="checkbox"/> 25 = Escape Risk <input type="checkbox"/> 30 = Sexually Violent Predator <input type="checkbox"/> 50 = Heart Condition	<input type="checkbox"/> 55 = Alcoholic <input type="checkbox"/> 60 = Allergies <input type="checkbox"/> 65 = Epilepsy <input type="checkbox"/> 70 = Suicidal <input type="checkbox"/> 80 = Medication Required <input type="checkbox"/> 85 = Hemophiliac <input type="checkbox"/> 90 = Diabetic <input type="checkbox"/> 01 = Other
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GIVE BRIEF DESCRIPTION OF WHAT HAPPENED:												
POLICE REPORT <p>On Thursday, February 2nd, 2012, at approximately 8:14pm, a uniformed member of the Metro Transit Police Department was on patrol in the area surrounding the 4900 block of East Capitol Street, Northeast, Washington, DC. Upon approaching the intersection of East Capitol Street and Sycamore Street, NE, the uniformed member heard a female screaming for help. Upon further investigation, the uniformed member located a transgender female, identified as decedent JaParker Jones, lying unconscious on the sidewalk underneath a bus shelter located in the 4900 block of East Capitol Street, NE.</p> <p>Upon further examination, the uniformed member observed the handle of a knife protruding from the decedents head. The uniformed member immediately summoned the assistance of DC FEMS to the scene. Upon arrival, members of DC FEMS transported the decedent to the emergency room at Prince Georges County Hospital. During an emergency medical procedure, a knife was removed from the decedents head and the decedent was placed on life support. On Friday, February 3rd, 2012, at approximately 2:35am, the decedent succumbed to his injury and was pronounced dead by Doctor Boyce of staff.</p> <p>On Friday, February 3rd, 2012, Doctor Pamela Southall of the Maryland State Medical Examiner's Office conducted a post-mortem examination and autopsy on the decedent's remains. Upon conclusion of the procedure, Doctor Southall determined that the decedent sustained a fatal stab wound to the right side of the face that penetrated the skull. Doctor Southall ruled the cause of death to be from a stab wound. The manner of death was ruled a homicide.</p> <p>During the course of an investigation, members of the Metropolitan Police Department located and interviewed several witness. One such witness is hereinafter referred to as Witness #1. Witness #1 reported that on Thursday, February 2nd, 2012, IT and Witness #2 were stopped at the intersection of East Capitol Street and Sycamore Street, NE for a red light. During this time, Witness #1 observed an unidentified male, hereinafter referred to as the suspect, strike the decedent who was sitting at the bus stop in the 4900 block of East Capitol Street, NE. Following the strike, Witness #1 observed the decedent collapse to the sidewalk and lay motionless. Witness #1 alerted Witness #2 to the assault and then approached the decedent to render aid. During this time, Witness #1 heard the suspect shout, "She was smoking weed" prior to fleeing on foot. Once at the decedent's side, Witness #1 noticed that the decedent was suffering from an apparent stab wound to the head. Witness #1 reported that the suspect and decedent were the only individuals at the bus stop.</p>												

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Witness #1 described the suspect as being a black male with a skinny or medium build, standing approximately 5'11 in height, wearing a black jacket and a black and white knit hat. Additionally, Witness #1 reported that the suspect had "big eyes" as if he was under the influence.

A second witness, hereinafter referred to as Witness #2, was interviewed and reported that on Thursday, February 2nd, 2012, IT and Witness #1 were stopped at the intersection of East Capitol Street and Sycamore Street, NE for a red light. During this time, Witness #2 was alerted to an assault at the bus stop in the 4900 block of East Capitol Street, NE. Witness #2 turned towards the bus stop and observed the suspect standing over the decedent who was lying motionless on the ground. Witness #2 approached the suspect and confronted him about assaulting the decedent. Upon doing so, Witness #2 observed the suspect drop a bag and run from the scene. Witness #2 gave pursuit and apprehended the suspect in the unit block of Sycamore Street, NE. During this time, Witness #2 heard Witness #1 screaming for help and turned his attention away from the suspect. Upon doing so, the suspect stood up and made good his escape. Witness #2 reported that the suspect and decedent were the only individuals at the bus stop.

Witness #2 described the suspect as being a black male with a full beard, 30 to 40 years of age, weighing 150 to 160 pounds, standing approximately 5'9 to 6'0 in height, wearing a black jacket, a grey hooded shirt and blue jeans.

A third witness, hereinafter referred to as Witness #3, was interviewed and reported that on Thursday, February 2nd, 2012, IT walked to the bus stop in the 4900 block of East Capitol Street, NE and observed a transgender female and an unidentified black male sitting on a bench at the bus shelter. Upon reaching the bench, Witness #3 reported that the black male slid over and stated, "Sit down". Witness #3 reported that IT sat on the bench and observed the black male staring at the transgender female. Approximately 3 minutes after sitting down, Witness #3 left the bus shelter and walked away. Witness #3 reported that when IT walked away, the only people at the bus stop were the transgender female and the black male.

Witness #3 described the unknown black male as having short hair, a goatee, a medium brown complexion, a medium build, approximately 30 years of age, approximately 6'0 in height, wearing a brown jacket with a hood. Additionally, Witness #3 reported that the unknown black male had "big eyes" as if he was under the influence.

As the investigation progressed, members of the Metropolitan Police Department reviewed video surveillance footage from February 2nd, 2012 that captured the events outlined by the witnesses. Specifically, at approximately 7:52pm, the decedent is observed sitting alone at the bus stop. At approximately 7:56pm, the suspect, who appears to be a black male with a prominent limp, is observed crossing the street and sitting down next to decedent on the bench. The suspect appears to be wearing an unknown colored jacket, a grey hooded shirt, tan pants, and white tennis shoes. At approximately 7:58pm, Witness #3 is observed sitting on the bench with the suspect and the decedent. At approximately 8:01pm, Witness #3 is observed walking away. Simultaneously, the decedent is observed standing up and walking eastbound in the 4900 block of East Capitol Street, NE. As a result, the decedent walks out of the cameras view. Within seconds, the suspect is observed standing up and walking in the same direction as the decedent. As a result, the suspect walks out of the cameras view.

Approximately four minutes later, the decedent is observed walking back to the bus shelter and sitting down on the bench. The suspect is observed following the decedent back to the bus shelter and sitting on the opposite end of the bench. Approximately eight minutes following their return, the suspect is observed standing up facing the decedent who remained sitting. The suspect is then observed striking the decedent one time in the head causing the decedent to collapse to the ground. The suspect is observed bending over and picking up what is believed to be the decedent's purse. Upon doing this, Witness #2 is observed confronting the suspect. The suspect is observed dropping the decedent's purse and running from the bus stop. Witness #2 is observed pursuing and apprehending the suspect. However, Witness #2 became distracted for a moment at which time the suspect escaped.

On Friday, February 3rd, 2012, the Public Information Office for the Metropolitan Police Department released a portion of the surveillance video for public viewing in an effort to identify the suspect who was classified in the media as a "person of interest" in the investigation.

The following day, members of the Metropolitan Police Department were contacted by Witness #4 who reported that while watching local news coverage of the crime, IT viewed the surveillance footage and recognized the "person of interest" to be an individual IT has seen on a daily or weekly basis for the past ten years. Specifically, Witness #4 reported that the "person of interest", is an individual who panhandles two blocks west of the crime scene near the intersection of East Capitol Street and Benning Road, NE. Witness #4 reported that IT recognized Gary Montgomery in the video based on physical description, clothing, and prominent limp.

Jm

Shortly after being interviewed, Witness #4 observed the "person of interest" near the intersection of East Capitol Street and Benning Road, NE. Witness #4 immediately contacted law enforcement who responded to the scene and stopped Gary Montgomery, 12/16/1956, PDID# 368226. Witness #4 observed Gary Montgomery during the stop and identified him as "the person of interest" in the surveillance video.

At the time of the stop, Gary Montgomery had a beard and was wearing a blue jacket, tan pants and white tennis shoes. Gary Montgomery was also carrying a brown jacket. Gary Montgomery stated that he had been wearing this clothing for the past four days. Additionally, Gary Montgomery matched the physical description of the suspect in the video and walked with a similar limp.

Following an interview, Gary Montgomery was transported to his house which he identified as [REDACTED] 44th Street, NE. Upon arrival, law enforcement determined that the residence was vacant and that Gary Montgomery was living in the basement which he accessed through a backdoor.

On Tuesday, February 7th, 2012, members of the Metropolitan Police Department were contacted by Witness #5 who reported that while watching local news coverage of the crime, IT viewed the surveillance footage and recognized the "person of interest" to be an individual IT has seen entering and exiting the rear of [REDACTED] 44th Street, NE on a daily basis for the past six months.

Witness #5 was shown a photo array that contained a photograph of Gary Montgomery (PDID# 368226) and eight additional individuals. Upon viewing the array, Witness #5 identified Gary Montgomery as the "person of interest" in the surveillance video as well as the individual IT observes entering and exiting [REDACTED] 44th Street, NE. Witness #5 reported that IT recognized Gary Montgomery in the video based on physical description, clothing, and prominent limp.

On Thursday, February 9th, 2012, members of law enforcement re-established contact with Witness #3. During this time, Witness #3 was shown a photo array that contained a photograph of Gary Montgomery (PDID# 368226) and eight additional individuals. Upon viewing the array, Witness #3 pointed to the photograph of Gary Montgomery and stated, "Number 1 looks like him. The only thing different is the hair may be a little longer in the picture and the eyes were bigger". Witness #3 expounded on IT's description of the eyes being bigger by stating, "They were wide open because he was high".

Based on the aforementioned facts and circumstances, the affiant submits that probable cause exist to believe that on Thursday, February 2nd, 2012, Gary Montgomery, PDID# 368226, stabbed and killed decedent, JaParker Jones, at the bus stop in the 4900 block of East Capitol Street, Northeast, Washington, DC. The affiant therefore respectfully request that a DC Superior Court Arrest Warrant be issued for the arrest of Gary Montgomery.

AFFIANT'S SIGNATURE:

x Brian P. White

TO: WARRANT CLERK

PLEASE ISSUE A WARRANT FOR:

GARY N. Montgomery

Charge With: Second Degree Murder w/A (knife)

Jessie R. Riddle 2/10/12

ASSISTANT UNITED STATES ATTORNEY

SUBSCRIBED AND SWORN BEFORE ME THIS _____

10th DAY OF Feb 20 12

R. White
(JUDGE) DEPUTY CLERK) SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA

NCIC Approved